

October 31, 2012

**Via Electronic Submission**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW, Room TW-A325  
Washington, DC 20554

Marc S. Martin  
D 202.778.9859  
F 202.778.9100  
marc.martin@klgates.com

**Re: Ex Parte Presentation**

***Service Rules for Advanced Wireless Services in the 2000-2020 MHz and 2180-2200 MHz Bands, WT Docket No. 12-70; Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5-1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, and 2000-2020 MHz and 2180-2200 MHz, ET Docket No. 10-142; and Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands, WT Docket No. 04-356***

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, Sprint Nextel Corporation ("Sprint") submits this letter summarizing three recent meetings Sprint held at the Commission. On Thursday, October 25, 2012, Sprint met with Louis Peraertz, Legal Advisor to Commissioner Mignon Clyburn, and separately met with Courtney Reinhard, Legal Advisor to Commissioner Ajit Pai. On Friday, October 26, 2012, Sprint met with David Goldman, Senior Legal Advisor to Commissioner Jessica Rosenworcel. At these meetings, Sprint was represented by Larry Krevor, Vice President, Government Affairs and Richard Engelman, Director, Government Affairs, of Sprint, and Marc Martin of K&L Gates LLP, counsel to Sprint.<sup>1</sup>

During the meetings, Sprint reaffirmed its positions already included in the record of the above-captioned proceedings. Specifically, Sprint reiterated that it remains supportive of DISH's request that the Commission reallocate the S-Band from Mobile Satellite Service on a primary basis, with Ancillary Terrestrial Component service being permitted, to terrestrial mobile broadband service on a primary basis, provided that Sprint's two major concerns are not adversely affected: (1) that there be no diminution or weakening of the PCS G Block

---

<sup>1</sup> Sprint files this *ex parte* presentation on October 31, 2012 because the Commission was closed on October 29<sup>th</sup> and 30<sup>th</sup> due to Hurricane Sandy. 47 C.F.R. §§ 1.4(e)(1), 1.1206(b)(2)(iii).

Ms. Marlene H. Dortch  
October 31, 2012  
Page 2

interference protections; and (2) that the Commission makes the H Block fully useful for wireless broadband communications and auctions it expeditiously. If these concerns are addressed, Sprint expressed its view that the Commission would be able to expeditiously move forward, completing its rulemaking on the basis of the complete record before it.

Sprint also addressed DISH's recent *ex parte* comments proposing restriction of the H Block to small cell use. Sprint explained that while it remains DISH's burden to establish how its proposed H Block small cell limitation would serve the public interest, the proposal is troubling in several respects. First, DISH's proposed H Block restriction would significantly reduce the H Block's value in an auction by limiting its functionality for likely bidders. If the value of the H Block is reduced by the small cell restriction, then DISH's proposal would thwart Congress's intent to have the H Block auction contribute significantly to funding the build-out of a new public safety network.<sup>2</sup> Second, the restriction conflicts with the ongoing evolution in broadband network architecture, by which small cells are interspersed with macro cells using the same spectrum to enhance network coverage. An inflexible restriction on the use of the H Block would hamper the ability of carriers to utilize spectrum flexibly, deploying small cells where appropriate to supplement macro cell coverage. Third, the restriction would create unnecessary technical challenges for device manufacturers and service providers that could harm the customer experience. Lastly, Sprint's preliminary technical analysis indicates that the proposal would not benefit interference management at 2 GHz, as small cell architecture would undercut the H Block and AWS-4 operators' ability to minimize base station transmission interference through co-locating macro-site base stations. Indeed, a proliferation of non-located small cells could actually pose a greater interference risk to DISH's S-Band operations.

Given all of these flaws, this poorly-vetted proposal appears to be essentially the same old guard band proposal DISH reluctantly abandoned earlier in this proceeding and is not in the public interest. By contrast, a viable, robust broadband H Block would help promote competition, innovation and customer choice and provide the auction proceeds necessary to fund public safety consistent with Congressional mandate.

Pursuant to Section 1.1206 of the Commission's Rules, a copy of this letter is being filed electronically in the above-referenced dockets and electronic copies are being submitted to the Commission staff listed below. If you have any questions, please feel free to contact me at (202) 778-9859.

---

<sup>2</sup> See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, § 6401 (2012).

Ms. Marlene H. Dortch  
October 31, 2012  
Page 3

Sincerely,

/s/ Marc S. Martin  
Marc S. Martin  
K&L Gates LLP  
1601 K Street, NW  
Washington, D.C. 20006-1600  
(202) 778-9859  
Counsel for Sprint Nextel Corporation

cc: (via email)  
David Goldman  
Louis Peraertz  
Courtney Reinhard